

### **REMARKS**

Claims 1-4 and 6-24 are pending in the application. Claims 1-4 and 6-24 stand rejected. Claims 2-4, 6-15, 17-19, and 24 are amended. Claims 1 and 16 are canceled. Claims 2-4, 6-15, and 17-24 are pending in the application after this amendment. No new matter has been added by this amendment.

#### ***Finality of office action***

The office action is made final on the ground that "Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action." It is respectfully submitted that is not correct. As explained in applicants' previous response, claim 1 now rejected corresponds in substance to claim 5 previously examined and indicated as defining patentable subject matter. The rejections now raised could and should have been stated against original claim 5 in the office action of December 29, 2004. The present office action was necessitated, not by applicants' amendment, but by the incompleteness of the examiner's previous action, and specifically by the examiner's decision to change her position on the patentability of original claim 5. Withdrawal of the finality of the present office action is therefore requested.

However, in order to avoid delay in the examination of this application, applicants hereby request Continued Examination of the application under 37 C.F.R. §1.114. Form PTO/SB/30 (Modified) is filed herewith.

#### ***Specification***

The specification was objected to as not providing a proper antecedent basis for "maximum transverse dimension" in amended claim 6 and "first shape defines a bore" in new claim 24. The counterpart to claim 6 in paragraph [0015] has been amended to show the expression "maximum transverse dimension." The old term "diameter" has been retained in paragraph [0015] to provide a link to the supporting embodiment in paragraphs [0043] to [0045] which still refers imprecisely to "diameter." A counterpart to claim 24 has been added at paragraph [0024.1].

Paragraph [0036] has been amended to state that the GORE-TEX<sup>®</sup> material is a polytetrafluoroethylene fabric.

A clerical error in paragraph [0005] has been corrected.

***35 U.S.C. § 112 Rejections:***

The claims were rejected as being broader than the invention. The examiner suggested that the cover should be defined as being permanently connected to the immersion suit about the cover's perimeter, and as folding over to cover the valve openings on the action of the external force. These amendments have been made. In consequence of these amendments, the claims are now all directed to a suit including the valve and cover. Claim 1 has been combined with claim 15, and claim 2 has been combined with claim 16.

In addition, claim 15 has been adapted to specify tha the cover is attached to the suit around the valve. Support for this feature is found in the stitching 11 and tape 13 shown in Fig. 5 and described in paragraph [0042].

The examiner commented that the cover "would not protect the valve from a hard force." However, it is respectfully pointed out that the cover does not purport to protect the valve from all possible forces, but only from "a" force, that is to say, at least one force. In the embodiment, the valve is protected from a shear force caused by fluid flowing in any direction over the surface of the suit to which the valve is attached.

***35 U.S.C. § 103 Rejections:***

Claims 1-4 and 6-24 were rejected as obvious over U.S. Patent No. 5,088,116 (Gould) in view of U.S. Patent No. 4,274,759 (Long et al.) Long is cited as showing an immersion suit with "a valve in the lower leg area," apparently drain valves 80 which "are locked shut and are opened only to drain the suit when the diver is out of the water." Because the drain valves 80 are locked shut in use, the drain valves 80 would not need or benefit from the protection of the cover of the present invention, so there would be no motivation to provide Long's valve with a cover. The pocket and baffle structures 68, 70, 72, 74 of Long are located within the suit, are not functionally deformable, and serve solely to control the rate of flow of water through the outlet valve 32 when the valve is open.

Gould is cited as showing "a deformable tubular cover." The examiner never explicitly states which of the numerous components of Gould's ingenious garment she is referring to. The reference numerals mentioned all relate to "thigh chap 46," but the argument that "the gaiter of

Gould covers the valve on the immersion suit of Long” makes sense, given the placement of Long’s valve 80, only for Gould’s leg gaiter 35.

In any case, the examiner’s obviousness argument appears to be based on the argument that “when an immersion suit is worn and a wearer is in need of more protection while waiting in the water to prevent the incursion of water the gaiter of Gould provides the needed protection.” With all due respect, no it does not. Gould’s garment is designed for persons standing in the rain, and relies on pieces “overlapping such that water running down said skirt [31] will be deflected over the outer surface of said chap and thence over the outer surface of said leg gaiter.” Col. 4, lines 35-38. This only works for water running downwards. The gaiter in Gould’s garment is open at the ankle hem, and the chap is open at the lower edge where it overlies the gaiter. The chap and gaiter therefore offer no protection from water flowing from the direction of the wearer’s feet. For a person standing in water, or entering water feet first, Gould’s garment would be totally useless.

Furthermore, the examiner’s rejection is expressed as being directed at the perceivedly overbroad language of claim 1, and is believed not to apply to the claims as now amended. In particular, there is no disclosure or suggestion in the cited references of the features that the cover is permanently attached to the suit around the periphery of the cover and that the cover folds over the valve to protect the valve, which have been added to claims 15 and 24 at the examiner’s request.

All of claims 2-4, 6-14, and 17-23 depend directly or indirectly from claim 15 and are therefore deemed allowable as depending from an allowable claim. Withdrawal of the rejection of claims 2-4, 6-15, and 17-24 is therefore requested.

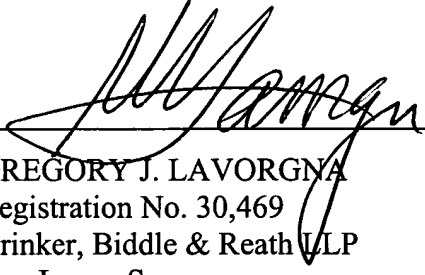
***Conclusion:***

Applicant submits that the claims, as amended, and the specification, are now in condition for allowance. Entry of the present amendment, withdrawal of all objections and rejections, and allowance of claims 1-4, 6-15, and 17-24, are earnestly solicited.

Respectfully submitted,

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BY: \_\_\_\_\_

  
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